



**California State Board of Pharmacy**

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF PHARMACY  
NORTHERN COMPLIANCE COMMITTEE MEETING  
MINUTES**

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DATE: September 5, 2001

TIME: 9:00 a.m. - 4:00 p.m.

LOCATION: Department of Consumer Affairs  
400 R Street, Suite 4070  
Sacramento, CA 95814

**BOARD MEMBER  
PRESENT:**

Donald, Chairperson  
Robert Elsner, Board Member  
Stanley Goldenberg, Board Member  
Clarence Hiura, Board Member

**STAFF  
PRESENT:**

Robert Ratcliff, Supervising Inspector  
Judith K. Nurse, Supervising Inspector  
Lin Hokana, Pharmacy Inspector  
Jeff Smith, Pharmacy Inspector  
Linda Kapovich, Enforcement Technician

**ALSO  
PRESENT:**

Beatrice Franziska Kuhn, RPH  
Luu T. Le, RPH, former PIC  
Charlotte Yee Wah Chun, RPH, PIC  
Chuck Dobbs, Director of Pharmacy Operations  
Michael L. Cantrell, RPH, Attorney at Law  
Dennis Esaki, RPH, PIC  
Jack Massad Arbeed, RPH  
Peter Kim, Pharmacy Area Supervisor  
Isaac Montelongo, RPH, PIC

John Schaper, Assistant Director Ambulatory Services  
Lisa Alice Wong, RPH, PIC  
Paul Chan, RPH, Pharmacy Supervisor  
Steven Gray, Professional Affairs Leader  
Evelyn Joyce Pagador, RPH  
David L. Cheung, RPH, PIC  
Edwin Bruce Leong, RPH, former PIC  
Sagee Mahmoud, Pharmacy Development Manager  
Raimund Juergen Sesanto, RPH, PIC  
Jack B. Wallace, RPH  
Gene Lem, RPH, PIC  
Chip K. Gordet, RPH, Pharmacy Development Manager  
Tom Drew, Pharmacy Development Manager  
Lynn Bichlien Riley, RPH, PIC  
Ronald E. Hopkins, RPH, former PIC  
James Elias, Pharmacy Development Manager  
Mark Robert Raus, RPH, PIC  
Bonnie Lee Sharp, RPH  
Phil Lubina, RPH, Regional Pharmacy Manager  
Charles Edward Caplan, RPH, PIC  
Charles B. Fishman, RPH  
John W. Berger, Attorney at Law  
Vito Dominic Fabrizio, RPH  
Nelly Merzheritsky, Director, NLO  
Paul Meyliker, TCH, President  
Richard Blair, RPH, Territory Manager  
Louis E. Sweet, RPH, PIC  
Louis James Sweet, Vice President  
Stacy Gay Castro, Secretary  
Joseph S. Monge, RPH

## CALL TO ORDER

Chairperson Donald Gubbins called the meeting of the Northern Compliance Committee to order at 9:00 a.m.

### A. APPEARANCES REQUIRED

1. Aida F. Barzaga CI 1998 17240  
RPH 36018, PIC

Elaine Chan  
INO

Frederick Howe  
INO

Four Fifty Sutter Pharmacy  
San Francisco, CA  
PHY 30976

Aida F. Barzaga, Elaine Chan, Frederick Howe, and Four Fifty Sutter Pharmacy are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Four Fifty Sutter Pharmacy dispensed Zithromax with incorrect directions for use. The prescription was written to take one tablet daily, and the directions on the container read take "4 tablets now." However, the pharmacy personnel failed to respond to the board inspector's request for an explanation of this incident.

On May 22, 2000, a violation notice was issued to Aida F. Barzaga and Four Fifty Sutter Pharmacy, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- Business and Professions Code section 4076 (a)(2) - A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following: The directions for the use of the drug.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years.....

On May 22, 2000, a violation notice was issued to Frederick Howe, and Four Fifty Sutter Pharmacy, for violation of:

- Business and Professions Code section 4201 (f) – Notwithstanding any other provision of law, the pharmacy license shall authorize the holder to conduct a pharmacy. The license shall be renewed annually and shall not be transferable.
- Business and Professions Code section 4201 (j) - For licenses referred to in subdivisions (f), (g), (h), and (i), any change in the proposed beneficial ownership interest shall be reported to the board within 30 days thereafter upon a form to be furnished by the board.
- Business and Professions Code section 4301 (o) – Unprofessional conduct.

This appearance was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for the November 2001 meeting.

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2. Charlotte Yee Wah Chun  
RPH 50291, PIC

CI 2000 19945

Luu T. Le  
RPH 47955, former PIC

Beatrice Franzisha Kuhn  
RPH 36967

Drug Emporium #873  
Fremont, CA  
PHY 37820

Chuck Dobbs, Director of Pharmacy Operations

Charlotte Yee Wah Chun, Luu T. Le, Beatrice Franziska Kuhn, and Drug Emporium #873, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Drug Emporium #873 dispensed Vitamin B6 on a prescription calling for Vitamin B12. In addition pharmacy records and patient profiles were improperly maintained, and proper patient consultation was not provided.

On June 8, 2001, letters of violation were issued to, Luu T. Le, Beatrice Franziska Kuhn, and Drug Emporium #873, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1707.1 – Duty to maintain accurate patient medication profiles.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Charlotte Yee Wah Chun, Luu T. Le, Beatrice Franziska Kuhn, and Drug Emporium #873; (a) the matter will be made a part of the record of Charlotte Yee Wah Chun, RPH 50291; (b) the matter will be made a part of the record of Luu T. Le, RPH 47955; (c) the matter will be made a part of the record of Drug Emporium #873, PHY 37820; (d) Drug Emporium, PHY 37820, is cited and fined \$1,000, for failure to provide patient consultation as required; (e) Beatrice

Franziska Kuhn, RPH 36967, is cited and fined \$500, for failure to provide patient consultation as required. No further action will be taken at this time.

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3. Paul Hirschhorn  
RPH 29974, PIC

CI 2000 19514

Mario A. Santi  
RPH 44300

Orriette Alice Quandt  
RPH 27866

Longs Drug #219  
Greenbrae, CA  
PHY 32265

Paul Hirschhorn, Mario A. Santi, Orriette Alice Quandt, and Longs Drug #219, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that a prescription for and labeled as Cefzil 250mg/5ml suspension was dispensed without being reconstituted. Consultation was not provide. Also the "Self-Assessment" form was unavailable and not provided when requested.

On July 5, 2001, a letter of violation were issued to Paul Hirschhorn, and Longs Drug #219, for violation of:

- Business and Professions Code Section 4301 – Unprofessional Conduct.
- California Code of Regulations Section 1716 – Variation from Prescriptions.
- Business and Professions Code Section 4076 - Prescription container, requirements for labeling.
- Business and Professions Code Section 4077 - No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- Business and Professions Code Section 4078 - False or misleading label on prescription.
- Business and Professions Code Section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- California Code of Regulations Section 1707.2 – Notice to Consumers and Duty to Consult.
- California Code of Regulations 1715 – Self-Assessment of a Pharmacy by the Pharmacist-in-Charge.

On July 5, 2001, a letter of violation was issued to Mario A. Santi, for violation of:

- Business and Professions Code Section 4301 – Unprofessional Conduct.
- Business and Professions Code Section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- Business and Professions Code Section 4076 - Prescription container, requirements for labeling.
- Business and Professions Code Section 4077 - No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- Business and Professions Code Section 4078 - False or misleading label on prescription.
- California Code of Regulations Section 1716 – Variation from Prescriptions.
- California Code of Regulations Section 1707.2 – Notice to Consumers and Duty to Consult.

This appearance was postponed prior to this meeting of the Northern Compliance Committee and will be rescheduled for the November 2001 meeting.

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4. Dennis Esaki  
RPH 26059, PIC

CI 2000 19931

Jack Massad Arbeed  
RPH 29037

Longs Drug Store #44  
San Mateo, CA  
PHY 14129

Peter Kim, Pharmacy Area Supervisor  
Michael L. Cantrell, RPH, Attorney at Law

Dennis Esaki, Jack Massad Arbeed, and Longs Drug Store #44, are requested to appear before the Northern Compliance meeting as the result of an investigation that revealed that Jack Massad Arbeed Atenolol was dispensed on a refill prescription calling for Tegretal.

On June 8, 2001, letters of violation were issued to Jack Massad Arbeed, and Longs Drug Store #44, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- Business and Professions Code section 4076 – Prescription container – requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drug in an incorrectly labeled container.
- Business and Professions Code section 4078 – False or misleading label on prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Elsner/Goldenberg

The committee accepted the appearance of Dennis Esaki, Jack Massad Arbeed, and Longs Drug Store #44; (a) the matter will be made a part of the record of Jack Massad Arbeed, RPH 29037; (b) the matter will be made a part of the record of Longs Drug Store #44, PHY 14129. No further action will be taken at this time.

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5.     Isaac Montelongo  
       RPH 32940

CI 2000 20213

Stanislaus Medical Center  
Medical Arts Building Pharmacy  
Modesto, CA  
PHE 37287

John Schaper, Assistant Director Ambulatory Services

Isaac Montelongo, and Stanislaus Medical Center Medical Arts Building Pharmacy are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Stanislaus Medical Center Medical Arts Building Pharmacy dispensed Clonazepam on a refill prescription calling for Clonidine.

On June 7, 2001, a letter of violation was issued to Isaac Montelongo, and Stanislaus Medical Center Medical Arts Building Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.

- California Code of Regulations section 1716 – Variation from prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Hiura

The committee accepted the appearance of Isaac Montelongo and Stanislaus Medical Center Medical Arts Building Pharmacy; (a) the matter will be made a part of the record of Isaac Montelongo, RPH 32940; (b) the matter will be made a part of the record of Stanislaus Medical Center Medical Arts Building Pharmacy, PHE 37287. No further action will be taken at this time.

6. Lisa Alice Wong  
RPH 46252

CI 2000 20404

Walgreens #5006  
San Mateo, CA  
PHY 44282

Paul Chan, RPH, Pharmacy Supervisor

Lisa Alice Wong, and Walgreens #5006, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Lisa Alice Wong dispensed Viagra on a new prescription written for Vioxx 25mg. Ms. Wong also failed to provide patient consultation as required by law.

On June 7, 2001, a letter of violation was issued to Lisa Alice Wong, and Walgreens #5006, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Goldenberg

The committee accepted the appearance of Lisa Alice Wong, Walgreens #5006; (a) the matter will be made a part of the record of Lisa Alice Wong, RPH 46252; (b) the



matter will be made a part of the record of Walgreens #5006, PHY 44282. No further action will be taken at this time.

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7. David Kwok-Wai Cheung  
RPH 28542, PIC

CI 2000 20203

Edwin Bruce Leong  
RPH 28213, former PIC

Evelyn Joyce Pagador  
RPH 46048

Kaiser Foundation Health  
Plan MOB Pharmacy #401  
Fairfield, CA 94533  
PHY 43294

Steven Gray, Professional Affairs Leader

David Kwok-Wai Cheung, Edwin Bruce Leong, Evelyn Joyce Pagador, and Kaiser Foundation Health Plan MOB Pharmacy #401, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Evelyn Joyce Pagador dispensed trifluoperazine on a refill calling for Trihexyphenidyl.

On June 7, 2001, letters of violation were issued to Evelyn Joyce Pagador, and Kaiser Foundation Health Plan MOB Pharmacy #401, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Elsner

The committee accepted the appearance of David Kwok-Wai Cheung, Edwin Bruce Leong, Evelyn Joyce Pagador, and Kaiser Foundation Health Plan MOB Pharmacy #401; (a) the matter will be made a part of the record of Evelyn Joyce Pagador, RPH 46048; (b) the matter will be made a part of the record of Kaiser Foundation Health Plan MOB Pharmacy #401, PHY 43294. No further action will be taken at this time.

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8. Reid Bell  
RPH 22008, PIC

CI 1997 15630

Randall Lewis Felkel  
RPH 29451, former PIC

Model Pharmacy  
Folsom, CA  
PHY 37032

William Brent Cowley  
RPH 41504, PIC

Rite Aid #6266  
Folsom, CA  
PHY 43773

Reid Bell, Randall Lewis Felkel, Model Drug, William Brent Cowley, and Rite Aid #6266 are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Model Pharmacy did employ a registered drug addict thus compromising the safety and security of dangerous drugs and controlled substances. Also Reid Bell and Randall Lewis Felkel allowed a non-registered person, without education or training, to act as a pharmacy technician. This unlicensed person was allowed to steal and divert controlled substances from Model Pharmacy for her own use and, by leaving a labeled vial at a home of an acquaintance, allowed confidential patient information to be known by individuals not entitled to that information.

Randall Lewis Felkel allowed the non-registered person to reduce faxed prescription transfers for a family member to writing, a function only a pharmacist can perform. Additionally, there is no indication that Randall Lewis Felkel verified the validity of the prescriptions or refill information.

The investigation also revealed that many Scheduled II controlled substances were dispensed pursuant to triplicate prescriptions written by a prescriber who does not and has not held a DEA registration since 1996. These triplicate prescriptions were clearly marked for dispensing at a specific government facility only and could not be filled at any other pharmacy. Controlled substances and dangerous drugs were also dispensed to habitual users with no apparent evidence that the pharmacists questioned the validity or indication for the prescription. Altered triplicate and controlled substance

prescriptions as well as questionable prescriptions and excessive refills were allowed to be dispensed.

Accurate records and required patient information were not maintained and records pertaining to the operation of the pharmacy were not available for inspection.

On July 28, 1998, violation notices were issued to Reid Bell, and Model Drug, for violation of:

- Business and Professions Code, Section 4301 - Unprofessional Conduct.
- Code of Federal Regulations 1301.9 - Failure to properly screen employees in regard to potential breach of drug security.
- California Code of Regulations, Section 1793.4 - Qualifications for Registration as a Pharmacy Technician

On July 28, 1998, violation notices were issued to Randall Lewis Felkel, and Model Drug, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations, Section 1793.4 - Qualifications for Registration as a Pharmacy Technician
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- California Code of Regulations, Section 1714 - Operational Standards and Security.

This appearance was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for the November 2001 meeting.

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9. Raimund Juergen Sesanto  
RPH 30468, PIC

CI 2000 20204

Jack B. Wallace  
RPH 33200

Rite Aid #5882  
Monterey, CA 93940  
PHY 42351

Sagee Mahmoud, Pharmacy Development Manager  
Northern Compliance Committee  
September 5, 2001, Page 11 of 24

Raimund Juergen Sesanto, Jack B. Wallace, and Rite Aid #5882, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Jack B. Wallace dispensed tamoxifen 10mg on a prescription written for tamoxifen 20mg. Had appropriate patient consultation been provided this error would have been detected.

On June 8, 2001, letters of violation were issued to Jack B. Wallace, and Rite Aid #5882, for violation of:

- Business and Professions Code section 4301 (c) – Unprofessional conduct.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

Chairperson Donald Gubbins recused himself from this appearance and left the room.

M/S/C: Hiura/Goldenberg

The committee accepted the appearance of Raimund Juergen Sesanto, Jack B. Wallace, and Rite Aid #5882; (a) the matter will be made a part of the record of Jack B. Wallace, RPH 33200; (b) the matter will be made a part of the record of Rite Aid #5882, PHY 42351; (c) Jack B. Wallace, RPH 33200, is cited and fined \$500, for failure to provide patient consultation as required. No further action will be taken at this time.

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10. Gene Lem  
RPH 42997, PIC

CI 2000 20561

Rite Aid #6077  
Sacramento, CA  
PHY 42776

Chip K. Gordet, RPH, Pharmacy Development Manager

Gene Lem and Rite Aid #6077, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Gene Lem dispensed Lindane in a container labeled Ibuprofen.

On June 8, 2001, a letter of violation was issued to Gene Lem and Rite Aid #6077, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 (a) - No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- California Code of Regulations section 1716 – Variation from prescription.

Chairperson Donald Gubbins recused himself from this appearance and left the room.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Goldenberg/Hiura

The committee accepted the appearance of Gene Lem and Rite Aid #6077; (a) the matter will be made a part of the record of Gene Lem, RPH 42997; (b) the matter will be made a part of the record of Rite Aid #6077, PHY 42776; (c) A follow up inspection is ordered to ensure compliance with pharmacy law. No further action will be taken at this time.

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11.   Lynn Bichlien Riley  
      RPH 48734, PIC

CI 2000 19658

Ronald E. Hopkins  
RPH 27504, former PIC

Rite Aid #6010  
Modesto, CA  
PHY 43821

Tom Drew, Pharmacy Development Manager

Lynn Bichlien Riley, Ronald E. Hopkins, and Rite Aid #6010, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Ronald E. Hopkins dispensed Purinethol on a prescription calling for Propylthiouracil.

On June 12, 2001, letters of violation were issued to Ronald E. Hopkins, and Rite Aid # 6010, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:        Goldenberg/Hiura

The committee accepted the appearance of Lynn Bichien Riley, Ronald E. Hopkins, and Rite Aid #6010; (a) the matter will be made a part of the record of Ronald E. Hopkins, RPH 27504; (b) the matter will be made a part of the record of Rite Aid #6010, PHY 43821. No further action will be taken at this time.

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12.    Ashish G. Kumar  
       RPH 50679, PIC

CI 2000 20102

Cam Tri Nguyen  
RPH 42119, former PIC

Hardeep Singh Dhadli  
RPH 47159, former PIC

Wal-Mart Pharmacy #10-1903  
Yuba City, CA  
PHY 38992

Cam Tri Nguyen, Hardeep Singh Dhadli, and Wal-Mart Pharmacy #10-1903, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Cam Tri Nguyen dispensed Prozac on a prescription calling for Paxil.

On June 13, 2001, letters of violation were issued to Cam Tri Nguyen, and Wal-Mart Pharmacy #10-1903, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescription.

This appearance was postponed prior to this meeting of the Northern Compliance Committee and will be rescheduled at the November 2001 meeting.

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13. Mark Robert Raus  
RPH 38734, PIC

CI 1999 19540

Bonnie Lee Sharp  
RPH 37145

Raley's Drugs #492  
Roseville, CA  
PHY 34844

James Elias, Pharmacy Development Manager

Mark Robert Raus, Bonnie Lee Sharp, and Raley's Drugs #492, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Bonnie Lee Sharp dispensed promethazine with codeine syrup on a prescription calling for Zyrtec. This medication was dispensed for a five-year-old patient. In addition Raley's Drug #492 dispensed Singulair on a prescription without a strength indicated. The medication had previously been prescribed to the patient, so the medication was dispensed in the same strength as the previous medication, and the dosage was confirmed with the prescriber on the next business day.

On July 6, 2001, letters of violation were issued to Bonnie Lee Sharp, and Raley's Drugs #492, for violation of:

- Business and Professions Code Section 4301 – Unprofessional Conduct.
- California Code of Regulations Section 1716 – Variation from Prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Elsner/Hiura

The committee accepted the appearance of Mark Robert Raus, Bonnie Lee Sharp, and Raley's Drugs #492; (a) the matter will be made a part of the record of Bonnie Lee Sharp, RPH 37145; (b) the matter will be made a part of the record of Raley's Drugs #492, PHY 34844; (c) A follow up inspection is ordered within 90 days, to ensure compliance with quality assurance procedures. No further action will be taken at this time.

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14. Charles Edward Caplan  
RPH 26046, PIC

CI 2000 20024

Charles B. Fishman  
RPH 22302

Safeway Pharmacy #950  
Guerneville, CA  
PHY 34041

Phil Lubina, RPH, Regional Pharmacy Manager  
John W. Berger, Attorney at Law

Charles Edward Caplan, Charles B. Fishman, and Safeway Pharmacy #950, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Charles B. Fishman failed to adequately manage the perpetual inventory logs and could not explain the Safeway Pharmacy #950 shortages and overages on schedule II controlled substances.

On April 27, 2001, a violation notice was issued to Charles B. Fishman, and Safeway Pharmacy #950, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- Health and Safety Code section 11208 - Prima facie evidence of violation of controlled substance act.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years....
- California Code of Regulations section 1718 - Current inventory defined.
- Business and Professions Code section 4081 (b) - The owner, officer, & partner of any pharmacy, wholesaler, veterinary food-animal drug, or medical device retailer shall be jointly responsible with the PIC or exemptee for maintaining the records & inventory described in this section.



- Business and Professions Code section 4113 (b) - The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:           Goldenberg/Elsner

The committee accepted the appearance of Charles Edward Caplan, Charles B. Fishman, and Safeway Pharmacy #950; (a) the matter will be made a part of the record of Charles B. Fishman, RPH 22302; (b) the matter will be made a part of the record of Safeway Pharmacy #950, PHY 34041; (c) A follow up inspection is ordered within 90 days to ensure compliance with inventory control of CII medications; (d) A spot audit on CII medications is to be performed during inspection. No further action will be taken at this time.

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15.   Vito Dominic Fabrizio  
      RPH 25019

CI 2000 20706

Nelly Merzheritsky  
TCH 6982, President

Harbor Capitol Pharmacy  
Sacramento, CA  
PHY 44222

Richard Blair, RPH, Territory Manager for Asereth Medical Services, Inc.

Vito Dominic Fabrizio, Paul Meyliker, and Harbor Capitol Pharmacy are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Harbor Capitol Pharmacy has had no PIC since October 2000.

On April 24, 2001, a violation notice was issued to Paul Meyliker, and Harbor Capitol Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4113 (a) - Every pharmacy shall designate a pharmacist-in-charge and within 30 days there of, shall notify the

board in writing of the identity and license number of that pharmacist and the date he or she was designated.

- Business and Professions Code section 4113 (c) - Every pharmacy shall notify the board within 30 days of the date when a pharmacist ceases to be a pharmacist-in-charge.
- Business and Professions Code section 4305 (a) - Any person who has obtained a license to conduct a pharmacy, shall notify the board within 30 days of the termination of employment of any pharmacist who takes charge of, or acts as manager of the pharmacy. Failure to notify the board within the 30-day period shall constitute grounds for disciplinary action.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Elsner/Goldenberg

The committee accepted the appearance of Vito Dominic Fabrizio, Melly Merzheritsky, Paul Meyliker, and Harbor Capitol Pharmacy; (a) the matter will be made a part of the record of Paul Meyliker, TCH 6982; (b) the matter will be made a part of the record of Harbor Capitol Pharmacy, PHY 44222; (d) A follow up inspection is ordered within 30 days to ensure compliance with pharmacist-in-charge requirements. No further action will be taken at this time.

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16.   Victoria Carter  
      NLO

CI 2000 20207

Carter's Elmwood Pharmacy  
Berkeley, CA  
PHY 40571

Victoria Carter, and Carter's Elmwood Pharmacy are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Carter's Elmwood Pharmacy has not had a PIC of record since December 1999.

On July 3, 2001, a letter of violation was issued to Victoria Carter, and Carter's Elmwood Pharmacy, for violation of:

- Business and Professions Code section 4301 (c) – Unprofessional conduct.
- Business and Professions Code section 4113 (a) - Every pharmacy shall designate a pharmacist-in-charge and within 30 days thereof, shall notify the

board in writing of the identity and license number of that pharmacist and the date he or she was designated.

Victoria Carter moved and did not notify the board of her change of address of record.

This appearance was postponed prior to this meeting of the Northern Compliance Committee and will be rescheduled for the November 2001 meeting.

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17. Louis E. Sweet  
RPH 22251, PIC, President

CI 1999 18815

Louis James Sweet  
Vice President

Stacey Gay Castro  
Secretary

Redwood Pharmacy  
Lindsay, CA  
PHY 16872

Louis E. Sweet and Redwood Pharmacy, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that January 2, 2000, Louis E. Sweet dispensed Lasix 20 mg on a prescription written for Paxil 20mg.

On March 27, 2001, a letter of violation was issued to Louis E. Sweet and Redwood Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 (a) No person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by section 4076.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Elsner

The committee accepted the appearance of Louis E. Sweet, Joseph S.. Monge, Louis James Sweet, Statcey Gay Castro, and Redwood Pharmacy; (a) the matter will be made a part of the record of Louise E. Sweet, RPH 22251; (b) the matter will be made a part of the record of Redwood Pharmacy, PHY 16872; (c) Monthly follow up inspections are ordered on an on going basis to ensure compliance with all pharmacy laws; (d) Seek expert assistance to evaluate the pharmacy's process for filling prescriptions and develop a quality assurance program. No further action will be taken at this time.

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18. Louis E. Sweet  
RPH 22251, PIC, President

CI 1999 19436

Joseph S. Monge  
RPH 22518

Louis James Sweet  
Vice President

Stacey Gay Castro  
Secretary

Redwood Pharmacy  
Lindsay, CA  
PHY 16872

Louis E. Sweet, Joseph S. Monge, and Redwood Pharmacy, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Joseph S. Monge dispensed Coumadin 4mg on a refill prescription calling for Cardura 4mg.

This investigation also revealed that on November 10, 2000, the board received a copy of the Redwood Pharmacy's Self-Assessment form. Louis S. Sweet marked not applicable to section 2, which pertains to posting the Notice to Consumers in the pharmacy as required by law.

On March 27, 2001, a letter of violation was issued to Louis E. Sweet, and Redwood Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 – Notice to consumer and Duty to consult.

On March 27, 2001, a letter of violation was issued to Joseph S. Monge, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Goldenberg/Elsner

The committee accepted the appearance of Louis E. Sweet, Joseph S.. Monge, Louis James Sweet, Stacey Gay Castro, and Redwood Pharmacy; (a) the matter will be made a part of the record of Louise E. Sweet, RPH 22251; (b) the matter will be made a part of the record of Joseph S. Monge, RPH 22518; (c) the matter will be made a part of the record of Redwood Pharmacy, PHY 16872; (d) Monthly follow up inspections are ordered on an on going basis to ensure compliance with all pharmacy laws; (e) Seek expert assistance to evaluate the pharmacy's process for filling prescriptions and to develop a quality assurance program. No further action will be taken at this time.

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19.   Louis E. Sweet  
      RPH 22251, PIC, President

CI 1999 19795

Joseph S. Monge  
RPH 22518

Louis James Sweet  
Vice President

Stacey Gay Castro  
Secretary

Redwood Pharmacy  
Lindsay, CA  
PHY 16872

Louis E. Sweet, Joseph S. Monge, and Redwood Pharmacy, are requested to appear at the Northern Compliance meeting as the result of an investigation that

revealed that on June 14, 2000, Joseph S. Monge dispensed Zocor 20mg on a refill prescription calling for Zocor 10mg.

This investigation also revealed that on November 10, 2000, the board received a copy of the Redwood Pharmacy's Self-Assessment form. Louis S. Sweet marked not applicable to section 2, which pertains to posting the Notice to Consumers in the pharmacy as required by law.

On March 27, 2001, a letter of violation was issued to Joseph S. Monge, and Redwood Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Goldenberg/Elsner

The committee accepted the appearance of Louis E. Sweet, Joseph S.. Monge, Louis James Sweet, Stacey Gay Castro, and Redwood Pharmacy; (a) the matter will be made a part of the record of Joseph S. Monge, RPH 22518; (b) the matter will be made a part of the record of Redwood Pharmacy, PHY 16872; (c) Monthly follow up inspections are ordered on an on going basis to ensure compliance with all pharmacy laws; (d) Seek expert assistance to evaluate the pharmacy's process for filling prescriptions and to develop a quality assurance program. No further action will be taken at this time.

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20.   Louis E. Sweet  
      RPH 22251, PIC, President

CI 2000 20523

Joseph S. Monge  
RPH 22518

Louis James Sweet  
Vice President

Stacey Gay Castro  
Secretary

Redwood Pharmacy  
Lindsay, CA

PHY 16872

Louis E. Sweet, Joseph S. Monge, and Redwood Pharmacy, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that on December 18, 2000, Joseph S. Monge dispensed Prilosec 20mg on a refill prescription calling for Celebrex 20mg.

On August 8, 2001, a letter of violation was issued to Joseph S. Monge, and Redwood Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Goldenberg/Elsner

The committee accepted the appearance of Louis E. Sweet, Joseph S.. Monge, Louis James Sweet, Stacey Gay Castro, and Redwood Pharmacy; (a) the matter will be made a part of the record of Joseph S. Monge, RPH 22518; (b) the matter will be made a part of the record of Redwood Pharmacy, PHY 16872; (c) Monthly follow up inspections are ordered on an on going basis to ensure compliance with all pharmacy laws; (d) Seek expert assistance to evaluate the pharmacy's process for filling prescriptions and to develop a quality assurance program. No further action will be taken at this time.

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21.   Louis E. Sweet  
      RPH 22251, PIC, President

CI 1999 19601

Louis James Sweet  
Vice President

Stacey Gay Castro  
Secretary

Redwood Pharmacy  
Lindsay, CA  
PHY 16872

Louis E. Sweet, and Redwood Pharmacy, are requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that on or about June 15, 2000, Louis E. Sweet dispensed Zocor on a refill prescription calling for Zestril 40mg.

On March 15, 2001, a letter of violation was issued to Louis E. Sweet, and Redwood Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C:       Goldenberg/Elsner

The committee accepted the appearance of Louis E. Sweet, Joseph S.. Monge, Louis James Sweet, Statcey Gay Castro, and Redwood Pharmacy; (a) the matter will be made a part of the record of Louise E. Sweet, RPH 22251; (b) the matter will be made a part of the record of Redwood Pharmacy, PHY 16872; (c) Monthly follow up inspections are ordered on an on going basis to ensure compliance with all pharmacy laws; (d) Seek expert assistance to evaluate the pharmacy's process for filling prescriptions and to develop a quality assurance program. No further action will be taken at this time.

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There being no additional discussion, the meeting was adjourned at 5:00 p.m.